

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

**CHRISTINE KIEU TRAN**

Applicant for Registered Nurse License

Respondent

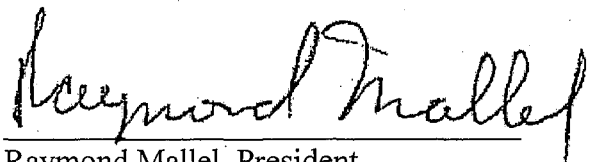
Case No. 2013-286

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary order for Public Repeval is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **May 22, 2013**.

IT IS SO ORDERED **April 22, 2013**.



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
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5 Los Angeles, CA 90013  
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E-mail: MichaelB.Brown@doj.ca.gov  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

12 **CHRISTINE KIEU TRAN**

13 Registered Nurse License Applicant

14 Respondent.

Case No. 2013-286

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

**[Bus. & Prof. Code § 495]**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Executive Officer of the  
21 Board of Registered Nursing. She brought this action solely in her official capacity and is  
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
23 Michael Brown, Deputy Attorney General.

24 2. Respondent Christine Kieu Tran (Respondent) is represented in this proceeding by  
25 attorney Brett F. Sherman, whose address is 2366 Gold Meadow Way, Suite A, Gold River, CA  
26 95670.

27 3. On or about January 6, 2012, the Board received an application for a Registered  
28 Nurse License from Respondent. On or about December 12, 2011, Respondent certified under

1 penalty of perjury to the truthfulness of all statements, answers, and representations in the  
2 application. The Board denied the application on March 21, 2012.

3 **JURISDICTION**

4 4. Statement of Issues No. 2013-286 was filed before the Board of Registered Nursing  
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
6 Statement of Issues and all other statutorily required documents were properly served on  
7 Respondent on October 22, 2012. Respondent timely filed her Notice of Defense contesting the  
8 Statement of Issues. A copy of Statement of Issues No. 2013-286 is attached as exhibit A and  
9 incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Statement of Issues No. 2013-286. Respondent has also carefully read,  
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
14 Disciplinary Order for Public Reproval.

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Statement of Issues; the right to be represented by  
17 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the  
18 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas  
19 to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Statement of  
26 Issues No. 2013-286.

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28 ///

1           9.     Respondent agrees that her Applicant for Registered Nurse License is subject to  
2 discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s terms as set  
3 forth in the Disciplinary Order below.

4                                   **CIRCUMSTANCES IN MITIGATION**

5           10.    Respondent has never been the subject of any prior disciplinary action before the  
6 Board. She has accepted responsibility at an early stage in the proceedings. Respondent has  
7 submitted a mitigation brief, multiple supporting declarations and exhibits.

8                                   **CONTINGENCY**

9           11.    This stipulation shall be subject to approval by the Board of Registered Nursing.  
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
11 Registered Nursing may communicate directly with the Board regarding this stipulation and  
12 settlement, without notice to or participation by Respondent or her counsel. By signing the  
13 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
15 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
16 Order for Public Repeval shall be of no force or effect, except for this paragraph, it shall be  
17 inadmissible in any legal action between the parties, and the Board shall not be disqualified from  
18 further action by having considered this matter.

19           12.    The parties understand and agree that facsimile copies of this Stipulated Settlement  
20 and Disciplinary Order for Public Repeval, including facsimile signatures thereto, shall have the  
21 same force and effect as the originals.

22           13.    This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by  
23 the parties to be an integrated writing representing the complete, final, and exclusive embodiment  
24 of their agreement. It supersedes any and all prior or contemporaneous agreements,  
25 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated  
26 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,  
27 supplemented, or otherwise changed except by a writing executed by an authorized representative  
28 of each of the parties.

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
2 the Board may, without further notice or formal proceeding, issue and enter the following  
3 Disciplinary Order:

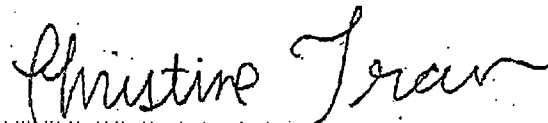
4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that the application of Respondent, Christine Kieu Tran, for  
6 licensure is hereby granted. Upon successful completion of the licensure examination and all  
7 other licensing requirements, a license shall be issued to Respondent. Respondent shall, by way  
8 of letter from the Board's Executive Officer, be publicly reprovod. The letter shall be in the same  
9 form as the letter attached as Exhibit B to this stipulation.

10 **ACCEPTANCE**

11 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
12 Reproval and have fully discussed it with my attorney, Brett F. Sherman. I understand the  
13 stipulation and the effect it will have on my Applicant for Registered Nurse License. I enter into  
14 this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and  
15 intelligently, and agree to be bound by the Decision and Order of the Board of Registered  
16 Nursing.

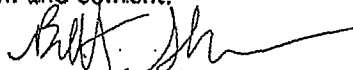
17  
18 DATED: 12-17-12



19 CHRISTINE KIEU TRAN  
Respondent

20 I have read and fully discussed with Respondent Christine Kieu Tran the terms and  
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order  
22 for Public Reproval. I approve its form and content.

23 DATED: 12/20/12



24 Brett F. Sherman  
Attorney for Respondent

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: December 21, 2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General



MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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## **Exhibit A**

**Statement of Issues No. 2013-286**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2095  
6 Facsimile: (213) 897-2804  
E-mail: MichaelB.Brown@doj.ca.gov  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

Case No. *2013 - 286*

13 **CHRISTINE KIEU TRAN**

**STATEMENT OF ISSUES**

14 Registered Nurse License Applicant

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs (Board).

22 2. On or about January 6, 2012, the Board received an application for a Registered  
23 Nurse License from Christine Kieu Tran (Respondent). On or about December 12, 2011,  
24 Christine Kieu Tran certified under penalty of perjury to the truthfulness of all statements,  
25 answers, and representations in the application. The Board denied the application on March 21,  
26 2012.

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1       5.     Section 490 states, in pertinent part:

2       "(a)   In addition to any other action that a board is permitted to take against a licensee, a  
3     board may suspend or revoke a license on the ground that the licensee has been convicted of a  
4     crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
5     or profession for which the license was issued.

6       "(b)   Notwithstanding any other provision of law, a board may exercise any authority to  
7     discipline a licensee for conviction of a crime that is independent of the authority granted under  
8     subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
9     of the business or profession for which the licensee's license was issued.

10      "(c)   A conviction within the meaning of this section means a plea or verdict of guilty or a  
11     conviction following a plea of nolo contendere. An action that a board is permitted to take  
12     following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
13     the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
14     made suspending the imposition of sentence, irrespective of a subsequent order under the  
15     provisions of Section 1203.4 of the Penal Code."

16      "(d)   The Legislature hereby finds and declares that the application of this section has been  
17     made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th  
18     554, and that the holding in that case has placed a significant number of statutes and regulations  
19     in question, resulting in potential harm to the consumers of California from licensees who have  
20     been convicted of crimes. Therefore, the Legislature finds and declares that this section  
21     establishes an independent basis for a board to impose discipline upon a licensee, and that the  
22     amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change  
23     to, but rather are declaratory of, existing law."

24      6.     Section 2736 states, in pertinent part, that the Board may deny a license when it finds  
25     that the applicant has committed any acts constituting grounds for denial of licensure under  
26     section 480.

27     ///

28     ///



1 fined her. The circumstances surrounding the conviction are that on or about June 18, 2007,  
2 Respondent was observed by a Loss Prevention Agent from "Costco" store in the city of Garden  
3 Grove, California, exiting the store carrying a large black purse which contained a Logitech  
4 universal remote control which her brother was observed placing in the bag. The Respondent  
5 passed several opened cash registers, and made no attempt to purchase the concealed remote  
6 control inside of her purse. Respondent stated to the agent during investigation, that she knew  
7 why they stopped her, "I'm sorry." During the investigation, the Garden Grove Police  
8 Department also recovered items from Respondent's brother's vehicle in the value of \$435 from  
9 Costco. The officers also recovered stolen items from another retail store, "Michaels." The  
10 Respondent admitted to the officers that her and her brother had committed the acts of burglary  
11 from Michaels in the city of La Habra, California. Respondent stated to the officers, "I chose to  
12 do it on my own and chose to steal in order to help him get money." Respondent was  
13 subsequently convicted of violating Penal Code 459 and 496, subdivision (a).

#### 14 **SECOND CAUSE FOR DENIAL OF APPLICATION**

##### 15 **(Dishonest Act)**

16 10. Respondent's application is subject to denial under section 480, subdivision (a)(2), in  
17 that on or about June 18, 2007, Respondent committed an act involving dishonesty, fraud, or  
18 deceit with the intent to substantially benefit herself and others, and substantially injure other  
19 when she committed burglary and received and concealed stolen property. Complainant refers to,  
20 and by this reference incorporates, the allegations set forth above in paragraph 9, subparagraph  
21 (a), inclusive, as though set forth fully.

#### 22 **THIRD CAUSE FOR DENIAL OF APPLICATION**

##### 23 **(Conduct Warranting License Discipline)**

24 11. Respondent's application is subject to denial under section 480 subdivisions (a)(3)(A)  
25 and (a)(3)(B), in that Respondent committed an act which if done by a licentiate of the business  
26 and profession in question, would be grounds for suspension or revocation of her license.  
27 Respondent was convicted of a crime substantially related to the qualifications, functions, or  
28 duties of a registered nurse which to a substantial degree evidences her present or potential

## PRAYER

1. Denying the application of Christine Kieu Tran for a Registered Nurse License; and
2. Taking such other and further action as deemed necessary and proper.

DATED:

OCTOBER 12, 2012

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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**Exhibit B**

**Letter of Public Reproval in Case No. 2013-286**



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

**Board of Registered Nursing**

P O Box 944210, Sacramento, CA 94244-2100

P (916) 322-3350 | [www.rn.ca.gov](http://www.rn.ca.gov)

**Louise R. Bailey, M.ED., RN, Executive Officer**



April 22, 2013

Christine Kieu Tran  
9883 Rio Hondo Parkway  
El Monte, CA 91733

RE: LETTER OF PUBLIC REPROVAL  
In the Matter of the Statement of Issues Against:  
Christine Kieu Tran  
Applicant for Registered Nurse

Dear Ms. Tran:

On October 12, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed a Statement of Issues against your Application for a Registered Nurse License. The Statement of Issues alleges that you were convicted of a crime substantially related to the qualifications, functions, and duties of a registered nurse in violation of Business and Professions Code sections 480, 2736 and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444. The basis for the allegation is that on or about October 19, 2007, you were convicted of your plea of nolo contendere to one misdemeanor count of violating Penal Code section 459 [burglary], and one misdemeanor count of violating Penal Code section 496, subdivision (a), [receiving or concealing stolen property].

Taking into consideration you have never been the subject of any prior disciplinary action before the Board, that you have been in compliance with your criminal probation, that you have submitted letters from professors and health care professionals in support of your character, your nursing competence and your commitment to helping others, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice registered nursing, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

*Louise R. Bailey M.Ed., RN*  
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California